



# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA

Home(B)Department

NOTIFICATION

G.O.(P)No.37/2024/Home.

Dated, Thiruvananthapuram, 2<sup>nd</sup> April 2024

Ministry of Home Affairs, Government of India has formulated a scheme to provide financial assistance to poor prisoners, who are unable to pay the fine imposed on them or are unable to secure bail due to financial constraints, expecting that providing financial support to such poor prisoners in paying their fine amount or helping them in securing bail will help them to come out of jail and join the main stream as a responsible citizen of the country. Guidelines and Standard Operating Procedure for implementation of the Scheme are appended as Annexure.



As per the Guidelines and Standard Operating Procedure the following committees with the structure and composition mentioned below are hereby constituted for performing the actions directed therein.

I. Empowered Committee at District level.

- (i) District Collector(DC) - Chairman
- (ii) Secretary, District Legal Services Authority - Convenor
- (iii) Superintendent of Police who have jurisdictional authority in the area where the Prison is situated.
- (iv) Superintendent of the concerned Prison.
- (v) Judge in charge of the concerned Prison, nominated by the District Judge

II. Oversight Committee at the State Level.

- (i) Additional Chief Secretary (Home Department).
- (ii) Secretary, Law Department.
- (iii) Secretary, Kerala State Legal Services Authority.
- (iv) Director General, Prisons and Correctional Services.
- (v) Registrar General of the High Court.

The following criteria may be scrupulously followed while determining the eligibility of persons for getting the benefit of the scheme.

1. Persons accused/convicted of offences under- Prevention of Corruption Act, Prevention of Money Laundering Act, NDPS Act, Unlawful Activities Prevention Act, POCSO Act, Persons accused/convicted of offences against Women and Children and repeated offenders are ineligible for getting the benefit of the scheme.
2. The benefit of the scheme will be extended to only once to a person.
3. The benefit of the scheme will be extended only to BPL family members.

Deputy Inspector General of Prisons (Head Quarters) is appointed as Nodal Officer who may engage with the Ministry of Home Affairs or the Central Nodal Agency, National Crime Records Bureau(NCRB) to seek any clarification or amplification about the procedure / guidelines, etc.



Fund flow will be as per the Guidelines and Standard Operating Procedure put forth by the Ministry of Home Affairs.

By order of the Governor,  
BISHWANATH SINHA  
*Additional Chief Secretary*

### **Explanatory Note**

Ministry of Home Affairs has framed the 'Support to Poor Prisoners Scheme' with a view to providing financial assistance to poor prisoners, who are either unable to pay the fine imposed on them or are unable to secure bail due to financial constraints. Many of such prisoners are socially disadvantaged or belong to low-income groups. It is expected that providing financial aid to such poor prisoners may help them in paying their outstanding amount of fine or in securing bail, within the ambit of provisions of law, and they will be able to come out of jail and join the main stream as a responsible citizen of the country. This scheme will go a long way in not only mitigating the problems faced by poor prisoners but will also help in solving the problem of overcrowding in prisons.



## ANNEXURE

### **Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners**

(i) Funds to the States/UTs will be provided through the Central Nodal Agency (CNA). The National Crime Records Bureau has been designated as the CNA for this scheme.

(ii) States/UTs will draw the requisite amount from the CNA on case-to-case basis and reimburse the same to the concerned competent authority (Court) for providing relief to the prisoner.

(iii) An 'Empowered Committee' may be constituted in each District of the State/UT, comprising of ( i) District Collector(DC)/District Magistrate(DM), (ii) Secretary, District Legal Services Authority, (iii) Superintendent of Police, (iv) Superintendent/ Dy. Supdt. of the concerned Prison and (v) Judge in charge of the concerned Prison, as nominee of the District Judge.

Note: This Empowered Committee will assess the requirement of financial support in each case for securing bail or for payment of fine, etc, and based on the decision taken, the DC/DM will draw money from the CNA account and take necessary action.

Note: The Committee may appoint a Nodal Officer and take assistance of any civil society representative/social worker/ District Probation Officer to assist them in processing cases of needy prisoners.

(iv) An Oversight Committee may be constituted at the State Government level, comprising of (i) Principal Secretary (Home/Jail), (ii) Secretary (Law Deptt), (iii) Secretary, State Legal Services Authority, (iv) DG/IG (Prisons) and (v) Registrar General of the High Court.

Note: The composition of the State level 'Empowered Committee' and 'Oversight Committee' are suggestive in nature. Prisons/persons detained therein being 'State-List' subject, it is proposed that the Committees may be constituted and notified by the concerned State Governments/UT Administrations.

### **Standard Operating Procedure**

#### **UNDERTRIAL PRISONERS:-**

1. If the undertrial prisoner is not released from the jail within a period of 7 days of order of grant of bail, then the jail authority would inform Secretary, District Legal Services Authority (DLSA).
2. Secretary, DLSA would inquire and examine whether the undertrial prisoner is not in a position to furnish financial surety for securing bail in terms of the bail conditions. For this, DLSA may take the



assistance of Civil Society representatives, social workers/ NGOs, District Probation officers or revenue officer. This exercise would be completed in a time bound manner within a period of 10 days.

3. Secretary, DLSA will place all such cases before the District Level Empowered Committee every 2-3 weeks.

4. After examination of such cases, if the Empowered Committee recommends that the identified poor prisoner be extended the benefit of financial benefit under 'Support to poor prisoners Scheme', then the requisite amount upto Rs. 40,000/- per case for one prisoner, can be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other method, which the District Committee feels appropriate.

5. If the prisoner is acquitted/convicted, then appropriate orders may be passed by the trial court so that the money comes back to the Government's account as this is only for the purposes of securing bail unless the accused is entitled to the benefit of bail U/s. 389 (3) Cr.P.C. in which event the amount can be utilised for bail by Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail U/s. 389 (1) of Cr.P.C.

6. If the bail amount is higher than Rs.40,000/-, Secretary, DLSA may exercise discretion to pay such amount and make a recommendation to the Empowered Committee. Secretary, DLSA may also engage with legal aid advocate with a plea to have the surety amount reduced. For any amount over and above Rs. 40,000/-, the proposal may be approved by the State level Oversight Committee.

#### CONVICTED PRISONERS:-

1. If a convicted person is unable to get released from the jail on account of non- payment of fine amount, the Superintendent of the Jail would immediately inform Secretary, DLSA (Time bound manner: 7 days).

2 Secretary, DLSA would enquire into the financial condition of the prisoner with the help of District Social Worker, NGOs, District Probation Officer, Revenue Officer who would be mandated to cooperate with the Secretary, DLSA. (Time bound manner: 7 days)

3. The Empowered Committee will sanction the release of the fine amount upto Rs. 25,000/- to be deposited in the Court for securing the release of the prisoner. For any amount over and above Rs. 25,000/-, the proposal may be approved by the State level Oversight Committee.

